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8 Attorneys for ROBERT A. RUSSELL

E-Filed on: 10/14/09

6
7 UNITED STATES BANKRUPTCY COURT
8 FOR THE DISTRICT OF NEVADA

9 In re:

10 USA COMMERCIAL MORTGAGE
11 COMPANY,

Debtor,

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

12 In re:

13 USA CAPITAL REALTY ADVISORS, LLC,

14 Debtor,

Chapter 11
Jointly Administered Under
Case No. BK-S-06-10725 LBR

15 In re:

16 USA CAPITAL DIVERSIFIED TRUST DEED
17 FUND, LLC,

Debtor,

Date of Hearing:
Time of Hearing:

Affects:

- USA Commercial Mortgage Company
- USA Capital First Trust Deed Fund, LLC
- USA Realty Advisors, LLC
- USA Securities, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- All Debtors

18 In re:

19 USA CAPITAL FIRST TRUST DEED FUND,
20 LLC,

Debtor,

21 In re:

22 USA SECURITIES, LLC,

23 Debtor.

24 **WITHDRAWAL OF PROOF OF CLAIM**

25 COMES NOW, the Claimant, ROBERT A. RUSSELL, by and through his attorney, SUSAN
26 WILLIAMS SCANN, ESQ. of the law firm of DEANER, DEANER, SCANN, MALAN &
27 LARSEN, and hereby withdraws his Proof of Claim filed October 16, 2006, in the above-entitled
28

1 bankruptcy case. A copy of the Proof of Claim is attached.

2 DATED: 10/13/09.

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4 *Respectfully Submitted,*

5 DEANER, DEANER, SCANN,
6 MALAN & LARSEN

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8 SUSAN WILLIAMS SCANN, ESQ.
9 Nevada Bar No. 000776
10 720 South Fourth Street, Suite 300
11 Las Vegas, Nevada 89101
12 Attorneys for ROBERT A. RUSSELL

1 **CERTIFICATE OF MAILING**

2 I hereby certify that service of the Withdrawal of Proof of Claim was made on 14th.
3 October, 2009, by depositing a copy of the same in the United States mail in Las Vegas, Nevada,
4 postage-prepaid, addressed to the following:

5 USA Commercial Mortgage
6 4484 S. Pecos Rd.
7 Las Vegas, NV 89121

U.S. Trustee
300 Las Vegas Blvd., S., Ste., 4300
Las Vegas, NV 89101

8 Rob Charles, ESQ.
9 Susan M. Freeman, ESQ.
Lewis and Roca LLP
3993 Howard Hughes Pkwy., Suite 600
Las Vegas, NV 89169

Alan B. Diamond
Diamond McCarthy LLP
Two Houston Center
909 Fannin Street, Suite 1500
Houston, TX 77010

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Employee of DEANER, DEANER, SCANN,
13 MALAN & LARSEN
14
15 F:\OFFICE\CLIENTS\Robert Russell Entities\Robert A. Russell\POC\Withdrawal of Proof of Claim.wpd
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FORM B10 (Official Form 10)(04/04)

UNITED STATES BANKRUPTCY COURT-DISTRICT OF NEVADA		PROOF OF CLAIM -CHAPTER [] 7 [X] 11 [] 12 [] 13
Name of Debtor USA COMMERCIAL MORTGAGE COMPANY	Case Number BK-S-06-10725	(This space for court use)
NOTE: This form should NOT be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. Section 503.		
Name of Creditor (The person or other entity to whom the debtor owes money or property) Robert A. Russell 8585 E. Hartford Drive, Ste., 500, Scottsdale, AZ 85255	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Name & address where notices should be sent: Robert A. Russell 8585 E. Hartford Drive, Ste., 500, Scottsdale, AZ 85255 telephone number: (480-505-4048, ext. 4250)		
Account or other number by which creditor identifies debtor:	Check here if this claim <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated _____	
1. BASIS FOR CLAIM	<input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other Consulting Services	
2. Date debt was incurred: 2005 - 2006	3. If court judgment, date obtained:	
4. Total claim at time case filed: \$140,000.00 (Unsecured) \$_____ (Secured) \$_____ (Priority) \$140,000.00 (Total)	If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest, or other charges in addition to the principal amount of the claim. Attach an itemized statement of all interest or additional charges.	
5. Secured Claim. <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff) Brief description of collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of collateral: \$_____	7. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim. Amount entitled to priority \$_____ <i>Specify the priority of the claim:</i> <input type="checkbox"/> Wages, salaries, or commissions up to \$4,925* earned within 90 days before filing of the bankruptcy petition, or cessation of the debtor's business, whichever is earlier- 11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan- 11 U.S.C. § 507(a)(4) <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease or rental of property or services for personal, family or household use- 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child- 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8) <input type="checkbox"/> OTHER-Specify applicable paragraph of 11 U.S.C. § 507(a)(____).	
6. Unsecured Non Priority Claim	<small>*Amounts are subject to adjustment on 4/1/07 and every three years thereafter with respect to cases commenced on or after the date of adjustment.</small>	
8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.	(This space for court use)	
9. Supporting documents: Attach copies of supporting documents, such as promissory notes purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
10. Date-Stamped copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and a copy of this proof of claim.		
Date: 10/16/06	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):  SUSAN WILLIAMS SCANN, ESQ.	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 & 3571		

U.S. Bankruptcy Court

District of Nevada

Notice of Electronic Claims Filing

The following transaction was received from SCANN, SUSAN on 10/17/2006 at 11:04 AM PDT

Case Name: USA COMMERCIAL MORTGAGE COMPANY
Case Number: 06-10725-lbr
Creditor Name: Robert A. Russell
 8585 E. Hartford Drive, Ste., 500
 Scottsdale, AZ 85255
Claim Number: 493 Claims Register
Total Amount Claimed: \$140000.00

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: F:\OFFICE\CLIENTS\FranklinStratford v. USA Commercial MOrtgage\USA Comm POC.pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=989277954 [Date=10/17/2006] [FileNumber=7403190-0] [001ca2c5b800de2a439198e698b878d2f61cd65acea86757ac7474842ab335341c8 8545055c6a7c1d8a04f305122ee959444110e34179885370ca71497625fdb]]

06-10725-lbr Notice will be electronically mailed to:

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